

LUCIAN J. GRECO, JR., ESQ
 Nevada State Bar No. 10600
 DEVIN R. GIFFORD, ESQ
 Nevada State Bar No. 14055
 MATTHEW J. COOK, ESQ
 Nevada State Bar No. 15028
 BREMER WHYTE BROWN & O'MEARA LLP
 1160 N. TOWN CENTER DRIVE
 SUITE 250
 LAS VEGAS, NV 89144
 TELEPHONE: (702) 258-6665
 FACSIMILE: (702) 258-6662
 lgreco@bremerwhyte.com
 dgifford@bremerwhyte.com
 mcook@bremerwhyte.com

Attorneys for Defendant,
 James River Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARLOS ROBERTS,

 Plaintiff,

 vs.

Case No. 2:22-cv-00635-CDS-VCF
**STIPULATION AND ORDER TO
 EXTEND DISCOVERY (FIRST
 REQUEST)**

UBER TECHNOLOGIES, INC., a
 foreign corporation, dba UBER; RASIER
 LLC, a foreign limited liability company,
 dba UBER; JAMES RIVER
 INSURANCE COMPANY; DOE CLAIM
 ADJUSTER I through X; DOE CLAIM
 SUPERVISOR I through X; ROE
 INSURANCE COMPANY XI through
 XX; DOES I through X, inclusive; ROE
 CORPORATION XI through XX,
 inclusive and ROE COMPANIES I-X,

 Defendants.

Defendant James River Insurance Company (hereinafter referred to as
 “Defendant”), by and through its attorneys of record, Lucian J. Greco, Esq., Devin R.
 Gifford, Esq., and Matthew J. Cook, Esq. of Bremer, Whyte, Brown & O’Meara, LLP,
 and Plaintiff Carlos Roberts (“Plaintiff”), by and through his attorney of record Joshua

1 P. Berrett, Esq. of Bighorn Law, pursuant to Local Rule 26-3, stipulate to modify their
2 discovery plan as follows:

- 3 1. On March 26, 2022, Plaintiff filed his Complaint.
- 4 2. On June 13, 2022, counsel for the parties held their F.R.C.P. 26 conference.
- 5 3. On July 1, 2022, the Court filed the Joint Discovery Plan and Scheduling
6 establishing the following discovery plan:

- 7 a. Last day to amend/add: November 10, 2022
- 8 b. Initial expert disclosure: December 12, 2022
- 9 c. Rebuttal expert disclosure: January 11, 2023
- 10 d. Last day of discovery: February 8, 2023
- 11 e. Dispositive motions filed: March 10, 2023
- 12 f. Joint pre-trial order: April 10, 2023

- 13 4. In compliance with Local Rule 26-3, the parties provide the following
14 information regarding the discovery status:

15 **a. Discovery Completed:**

- 16 i. On June 27, 2022, the parties served their Initial Disclosures.
- 17 ii. On July 8, 2022, Defendant served their first set of written
18 discovery requests to Plaintiff, which included interrogatories,
19 requests for production of documents, and requests for
20 admissions. Subsequently, Plaintiff served his responses to
21 these written discovery requests.
- 22 iii. On August 9, 2022, Defendant served their second set of written
23 discovery requests to Plaintiff, which included interrogatories,
24 requests for production of documents, and requests for
25 admissions. Subsequently, Plaintiff served his responses to
26 these written discovery requests.
- 27 iv. On October 17, 2022, Defendant served their third set of written
28 discovery requests to Plaintiff, which included interrogatories,

1 requests for production of documents, and requests for
2 admissions. Subsequently, Plaintiff served his responses to
3 these written discovery requests.

4 v. On November 3, 2022, Plaintiff served his First Supplemental
5 Disclosures.

6 vi. On November 4, 2022, Defendant took Plaintiff's deposition.

7 vii. On November 18, 2022, Defendant served their fourth set of
8 written discovery requests to Plaintiff, which included
9 interrogatories, requests for production of documents, and
10 requests for admissions.

11 viii. Defendant has subpoenaed many of Plaintiff's medical
12 providers, Las Vegas Metropolitan Police Department, and
13 Wynn Las Vegas for records.

14 **b. Discovery that remains to be completed:**

15 i. Deposition(s) of identified witnesses.

16 ii. Deposition(s) of expert witnesses.

17 iii. Additional written discovery.

18 iv. Disclosure of experts, expert reports, and rebuttal expert
19 reports.

20 v. Supplemental disclosures.

21 vi. Defendant is preparing to serve their First Supplemental
22 Disclosures.

23 vii. Defendant needs to obtain Plaintiff's responses to Defendant's
24 fourth set of requests for admissions and requests for production
25 of documents.

26 viii. Defendant is seeking photographs and videos of Plaintiff's
27 vacations.

28 ix. Defendant is still seeking Plaintiff's pharmacy records, which

1 Defendant subpoenaed.

2 x. Defendant is still awaiting the subpoenaed records from Las
3 Vegas Metropolitan Police Department and Wynn Las Vegas.

4 xi. Defendant needs to obtain additional medical record
5 authorizations from Plaintiff in order to subpoena additional
6 medical providers.

7 xii. Plaintiff is seeking additional medical records from WellSpan.

8 **c. Reason why discovery was not completed:**

9 The parties have diligently engaged in discovery. However, Defendant is still
10 trying to obtain Plaintiff's medical records from a pharmacy that has remained non-
11 responsive. Defendant is awaiting receipt of additional executed medical record
12 authorizations that were recently requested from Plaintiff. Once these authorizations
13 are obtained, Defendant will still require time to subpoena and obtain the outstanding
14 medical records. The holidays are also slowing the parties' ability to obtain these
15 records. Plaintiff has encountered difficulty in obtaining medical records from
16 WellSpan, which Plaintiff has requested. The parties' experts will require additional
17 time to review these records and prepare their expert reports. The parties require
18 additional time to continue to engage in settlement discussions, which may assist in
19 conserving precious judicial resources. The parties also require additional time to
20 consider attending mediation. Early resolution of this matter may obviate the need for
21 the parties to obtain additional experts prior to the initial disclosure deadline and
22 drastically reduce their litigation expenses. The parties need to meet and confer
23 regarding the disclosure of Plaintiff's vacation photographs and video. By way of this
24 stipulation, the parties hereby request an additional ninety (90) day extension of the
25 discovery deadlines so as to allow the parties to disclose their expert reports, to obtain
26 outstanding records, and thereafter engage in settlement discussions. Accordingly, the
27 parties agree that this request for extension is not made for the purpose of delay or
28 improper purpose and that good cause exists to extend the discovery deadlines. The
parties respectfully request that this Honorable Court adopt the following proposed,

stipulated discovery plan.

d. Proposed schedule for completion of remaining discovery:

Event	Existing Deadline	Proposed New Deadline
Last Day to Amend Pleadings/ Add Parties	November 10, 2022	February 8, 2023
Initial Expert Disclosures	December 12, 2022	March 13, 2023
Rebuttal Expert Disclosures	January 11, 2023	April 11, 2023
Last Day of Discovery	February 8, 2023	May 9, 2023
Dispositive Motions Filed	March 10, 2023	June 8, 2023
Joint Pretrial Order	April 10, 2023	July 10, 2023

Dated this 23rd day of November 2022.

Dated this 22nd day of November 2022.

**BREMER WHYTE BROWN &
O'MEARA, LLP**

BIGHORN LAW

/s/ Matthew J. Cook

/s/ Joshua P. Berrett

Lucian J. Greco, Jr., Esq.
Nevada State Bar No. 10600
Devin R. Gifford, Esq.
Nevada State Bar No. 14055
Matthew J. Cook, Esq.
Nevada State Bar No. 15028
Attorneys for Defendant,
James River Insurance Company

Joshua P. Berrett, Esq.
Nevada State Bar No. 12697
Attorneys for Plaintiff,
Carlos Roberts

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, and for good cause shown, the Court extends the discovery deadlines in this case as follows:

Event	Prior Deadline	New Deadline
Last Day to Amend Pleadings/ Add Parties	November 10, 2022	February 8, 2023 Expired
Initial Expert Disclosures	December 12, 2022	March 13, 2023
Rebuttal Expert Disclosures	January 11, 2023	April 11, 2023
Last Day of Discovery	February 8, 2023	May 9, 2023
Dispositive Motions Filed	March 10, 2023	June 8, 2023
Joint Pretrial Order	April 10, 2023	July 10, 2023

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

IT IS SO ORDERED.

Dated this 23rd day of November 2022.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted By:

BREMER, WHYTE, BROWN & O'MEARA, LLP

/s/ Matthew J. Cook

LUCIAN J. GRECO, JR., ESQ.

Nevada State Bar No. 10600

DEVIN R. GIFFORD, ESQ.

Nevada State Bar No. 14055

MATTHEW J. COOK, ESQ.

Nevada State Bar No. 15028

Attorneys for Defendant,

James River Insurance Company